



# MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** August 17, 2023

**Agenda Item:** Consolidated public use rules (ARM) for lands administered by FWP

**Action Needed:** Decision to file administrative rule notice with Secretary of State

**Time Needed on Agenda for this Presentation:** 15 minutes

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**Background:** At its June 2023 meeting, the commission authorized FWP to draft consolidated public use rules for all department lands (state parks, fishing access sites, wildlife management areas, wildlife habitat protection areas, and fisheries conservation areas) to inform the commission's decision whether to initiate the administrative rulemaking process for this purpose. The consolidated rules would replace three existing sets of public use rules that apply to different site types. The purpose of the consolidated rules is to consistently manage public uses across all lands while protecting fish and wildlife habitats as well as improving customer service and understanding of expectations for public use. The draft rules would allow the department to continue managing different types of lands according to the purpose of each site type. The draft rules would also address unnecessary duplication and inconsistencies found in the existing individual rules.

**Public Involvement Process & Results:** At its August meeting, the commission will consider public comments prior to deciding whether to initiate rulemaking using the language drafted by the department. If the commission decides to initiate rulemaking, the ensuing process and timeline is defined by the Montana Secretary of State under the Montana Administrative Procedures Act (MAPA) for Administrative Rules of Montana (ARM). This includes the requirement that the department conduct a public hearing and solicit comments on behalf of the commission. The administrative rule notice would be posted on the FWP website and would include information on the timeline and the public hearing date. The department would provide a summary of the public comments (in addition to the comments in their original form) for the commission to consider when making a final decision (expected at its December 2023 meeting).

**Analysis & Alternatives:**

Alternative A: Instruct the department to file an administrative rule notice with the Secretary of State on behalf of the commission to propose a consolidated set of public use rules for all FWP land types to improve consistency and customer service.

Alternative B: Instruct the department not to file an administrative rule notice. FWP would continue to operate under three different sets of public use rules.

**Agency Recommendation & Rationale:** FWP recommends the commission instruct the department to file an administrative rule notice with the Secretary of State to propose a consolidated set of public use rules for all FWP land types to improve consistency and customer service.

**Proposed Motion:** I move the Fish and Wildlife Commission instruct the department to file an administrative rule notice on behalf of the commission proposing a consolidated set of public use rules for all land types administered by FWP.